

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**No. 15-cr-4519 MCA**

**KENDRA BROPHY,**

**Defendant.**

**UNOPPOSED MOTION TO MODIFY CONDITIONS OF RELEASE**

Defendant Kendra Brophy respectfully moves the Court to modify her conditions of release to permit her to communicate with her co-defendant, Fidel Naranjo, regarding their children. Pretrial Services and the Government are not opposed to this motion. In support of her request, Ms. Brophy states as follows:

1. On December 3, 2015, Ms. Brophy and Mr. Naranjo were charged by complaint with one count of bank robbery, contrary to 18 U.S.C. § 2113 and 18 U.S.C. § 2. [Docs. 1-2.] Two weeks later, they were charged by indictment with the same offense. [Doc. 15.]
2. On December 18, 2015, the Court ordered Ms. Brophy released to the third-party custody of La Pasada Halfway House. [Doc. 13.] The Court later modified the conditions of release to allow Ms. Brophy to reside with

her grandmother. [Doc. 30.] Ms. Brophy has done extremely well while under pretrial supervision.

3. Pursuant to a plea agreement, Ms. Brophy pleaded guilty to misprision of a felony, contrary to 18 U.S.C. § 4, on April 21, 2016. [Doc. 36.] The Court continued her conditions of release pending sentencing. [Doc. 37.] On April 25, 2016, Mr. Naranjo pleaded guilty to bank robbery. [Doc. 39.] Mr. Naranjo is in custody pending sentencing.

4. Ms. Brophy's conditions of release require her to avoid contact with Mr. Naranjo. [Doc. 13.] However, Ms. Brophy and Mr. Naranjo have two young daughters under the age of five years. Their daughters currently reside with Ms. Brophy's mother, who has kinship guardianship of both girls with the consent of Ms. Brophy and Mr. Naranjo.

5. Ms. Brophy is seeking a modification of her conditions of release to allow her to communicate with Mr. Naranjo regarding their daughters. Recently, Ms. Brophy's estranged father intervened in the kinship guardianship proceedings seeking to take custody of their daughters. Ms. Brophy and Mr. Naranjo are opposed to the intervention and want their daughters to stay with their grandmother. The parties have a mediation scheduled in June and a hearing scheduled in August regarding this matter (*Benavidez v. Brophy*, D-0101-DM-2015-00837). Ms. Brophy and Mr.

Naranjo need to be able communicate with one another regarding these upcoming proceedings and what is in the best interests of their children.

6. On May 6, 2016, undersigned counsel spoke with Ms. Brophy's Pretrial Services supervisor, Sharla Koch, and counsel for the government, AUSA Edward Han, and they stated they have no objection to allowing Ms. Brophy to have contact with Mr. Naranjo. Counsel also spoke with the attorney for Mr. Naranjo, Andras Szantho, who said he joins in Ms. Brophy's request.

### **Conclusion**

For the foregoing reasons, Defendant Kendra Brophy respectfully moves the Court to modify her conditions of release to have contact with her co-defendant and co-parent, Fidel Naranjo.

Respectfully submitted,

/s/ Theresa M. Duncan  
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**CERTIFICATE OF SERVICE**

I certify that on May 6, 2016, I filed the foregoing document electronically through the CM/ECF system, which caused all counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Theresa M. Duncan

Theresa M. Duncan